

KARAMELION LLC,

Plaintiff,

VS.

NORTEK SECURITY & CONTROL, LLC,

Defendant.

CASE NO. 4:19-cv-06016-YGR

ORDER DENYING SUA SPONTE REFERRAL TO CONSIDER WHETHER CASES SHOULD BE RELATED

Re: Dkt. No. 20

Currently pending before the Court is a sua sponte referral from Judge Jeffrey S. White to consider whether, pursuant to Northern District Patent Local Rule 2-1(a), *Karamelion LLC v. Sercomm USA, Inc.*, No. 4:19-cv-08451-JSW (“*Karamelion II*”) should be related to closed case *Karamelion LLC v. Nortek Security & Control, LLC*, No. 4:19-cv-06016-YGR (“*Karamelion I*”). (Dkt. No. 20.) Rule 2-1(a), regarding a Notice of Pendency of Other Action Involving Same Patent, provides that “[w]hen actions concerning the same patent are filed within two years of each other by the same plaintiff, they will be deemed related.” Here, *Karamelion I* was dismissed with prejudice on January 2, 2020, and is therefore no longer pending before the Court at the time of the referral. Thus, the Court **DENIES** relating under Rule 2-1(a) *Karamelion II* with *Karamelion I*.

Under N.D. Patent L.R. 2-1(a)(5), “[e]ven if a case is not deemed related to a pending case pursuant to this rule, a party may still seek a related case determination pursuant to Civil L.R. 3-12.” Civil L.R. Rule 3-12 provides an “action is related to another when: (1) The actions concern substantially the same parties, property, transaction or event; and (2) It appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.”

1 Although there is overlap between the cases, namely the same patent, the Court finds that
2 is unlikely that there will be “unduly burdensome duplication of labor and expense or conflicting
3 results” if *Karamelion II* proceeds before a different judge. First, *Karamelion I* is closed so there
4 is no need to coordinate any proceedings. Second, this Court did consider or rule on any
5 substantive motions in *Karamelion I*, and thus, there would be no judicial efficiency gained by
6 relating the cases.
7

8 Accordingly, the sua sponte referral is hereby **DENIED**.
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10 This Order terminates Docket Number 20.

11 **IT IS SO ORDERED.**

12 Dated: January 14, 2020



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE

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